

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT L. GARBER, Derivatively on Behalf of	LEHMAN BROTHERS HOLDINGS INC.,	:
	Plaintiff,	:
vs.		:
RICHARD S. FULD, JR., et al.,		:
	Defendants,	:
- and -		:
LEHMAN BROTHERS HOLDINGS INC.,		:
	Nominal Defendant.	:
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Civil Action No. 07-CV-2990 (DAB)

NOTICE OF MOTION FOR
CONSOLIDATION, APPOINTMENT AS
LEAD PLAINTIFF AND FOR APPROVAL
OF SELECTION OF LEAD COUNSEL

[Caption continued on following page.]

DORIS STAEHR, Derivatively on Behalf of
LEHMAN BROTHERS HOLDINGS INC.,

Plaintiff,

vs.

RICHARD S. FULD, JR., et al.,

Defendants,

– and –

LEHMAN BROTHERS HOLDINGS INC., a
Delaware corporation,

Nominal Defendant.

LOCALS 302 & 612 OF THE
INTERNATIONAL UNION OF OPERATING
ENGINEERS-EMPLOYERS
CONSTRUCTION INDUSTRY
RETIREMENT TRUST, Derivatively on Behalf
of LEHMAN BROTHERS HOLDINGS INC.,

Plaintiff,

vs.

RICHARD S. FULD, JR., et al.,

Defendants,

– and –

LEHMAN BROTHERS HOLDINGS INC., a
Delaware corporation,

Nominal Defendant.

X
Civil Action No. 07-CV-3562 (DAB)

Civil Action No. 07-CV-3950 (DAB)

X

PLEASE TAKE NOTICE that Institutional Investor Locals 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust will hereby move this Court, on a date and at such time as may be designated by the Court, for an Order (attached hereto as Exhibit A): (i) consolidating the Actions; (ii) appointing Locals 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust as Lead Plaintiff; (iii) approving Locals 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust's selection of the law firm of Lerach Coughlin Stoia Geller Rudman & Robbins LLP to serve as Lead Counsel; and (iv) granting such other and further relief as the Court may deem just and proper. In support of this Motion, Locals 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust submits herewith a Memorandum of Law and Declaration of Samuel H. Rudman dated August 1, 2007.

DATED: August 1, 2007

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP

/s/ Samuel H. Rudman
SAMUEL H. RUDMAN

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[Proposed] Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Samuel H. Rudman, hereby certify that on August 1, 2007, I caused a true and correct copy of the attached:

Notice Of Motion For Consolidation, Appointment As Lead Plaintiff And For Approval Of Selection Of Lead Counsel;

Memorandum In Support Of The Motion Of Locals 302 And 612 Of The International Union Of Operating Engineers-Employers Construction Industry Retirement Trust For Consolidation, Appointment As Lead Plaintiff And For Approval Of Selection Of Lead Counsel; and

Declaration of Samuel H. Rudman in Support of the Motion of Locals 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Lead Counsel.

to be served: (i) electronically on all counsel registered for electronic service for this case; and (ii) by first-class mail to all additional counsel on the attached service list.

/s/ Samuel H. Rudman
Samuel H. Rudman

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